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October 20, 2010

*Via ECF and Federal Express,  
with copy by Hand Delivery*

Honorable Robert E. Gerber  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Courtroom 621  
New York, New York 10004-1408

**Re: *In re Motors Liquidation Company, et al.*, No. 09-50026 (REG) (Bankr.  
S.D.N.Y.)**

Dear Judge Gerber:

As counsel for the Official Committee of Unsecured Creditors Holding Asbestos-Related Claims ("ACC"), we write concerning the matter Your Honor has set down for hearing on Thursday, October 21<sup>st</sup>, at 2:00 p.m., namely, the Anonymity Protocol we have proposed with respect to data to be produced by various asbestos settlement trusts at the request of the Official Committee of Unsecured Creditors (the "Creditors' Committee"). We submit this letter to supplement our previous submissions in this matter by calling the attention of the Court to certain recent developments that underscore the need for an Anonymity Protocol in this case.

Last week, debtors in two recently-filed asbestos bankruptcies, in *In re Garlock, Sealing Technologies, LLC*, Case No. 10-bk-31607 (Bankr. W.D.N.C.), and *In re Specialty Products Holdings Corp.*, Case No. 10-11780 (Bankr. D. Del.), filed Rule 2004 applications in their own bankruptcies, seeking the right to discover extensive data from virtually all existing asbestos settlement trusts. In each of those cases, the expert for the party requesting the discovery is the Bates White firm, which is also the expert for the Creditors' Committee here. Although their requests are far broader than the discovery this Court has authorized under the August 9, 2010 Order granting the Creditors' Committee's Rule 2004 request, both



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the *Garlock* and the *Specialty Products* debtors cite that Order in support.<sup>1</sup> Notably, the *Garlock* debtors are demanding “a complete electronic copy of the Trust’s[s’] database[s] of asbestos claims, often described as ‘individual level claims data’ or ‘claimant and claim level database.’”<sup>2</sup> Their request is *not* limited to information about claimants who have asserted claims against the *Garlock* debtors; rather, they seek, for Bates Whites’ use, literally *all* claims data on hand at the various trusts.

Of course, discovery in *Garlock* and *Specialty Products* will be regulated by the pertinent courts. We cite these developments to Your Honor, however, to emphasize that Bates White is engaged in coordinated discovery forays extending beyond the confines of MLC’s case.

Bates White’s sweeping and concerted discovery efforts in the other cases underscore the importance of Your Honor’s ruling that the trusts’ productions in the case at bar are for the limited purposes of estimating General Motors’ aggregate asbestos liabilities and should not be used in litigation against individual asbestos claimants by “New GM or anyone else.” See Hearing Transcript at 102, *In re Motors Liquidation Company, et al.*, No. 09-50026 (REG) (Bankr. S.D.N.Y.) (Aug. 9, 2010). The Anonymity Protocol proposed by the ACC is designed to implement that ruling.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Trevor W. Swett".

Trevor W. Swett

cc: Philip Bentley, Esq., *Counsel to the Unsecured Creditors Committee*

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<sup>1</sup> See Motion of Debtors for an Order Pursuant to Bankruptcy Rule 2004 Directing Production of Data by Claims Processing Facilities and Asbestos Trusts ¶ 24 & Exh. E, *In re Garlock, Sealing Technologies, LLC*, Case No. 10-bk-31607 (Bankr. W.D.N.C.) (filed Oct. 13, 2010) (the “**Garlock 2004 Motion**”); Motion of the Debtors for an Order, Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Directing Production of Information by Claims Processing Facilities for Certain Asbestos Personal Injury Trusts ¶ 26 & Exh. F, *In re Specialty Holdings Corp.*, Case No. 10-11780-JKF (filed Oct. 12, 2010).

<sup>2</sup> Exhibit B ¶ 1 to Garlock 2004 Motion (brackets in the original).



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